

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MIDAMERICAN ENERGY COMPANY	DOCKET NOS. GCU-01-1 WRU-01-50-156
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**ORDER ACCEPTING FILING, REQUIRING ADDITIONAL INFORMATION,
SETTING PROCEDURAL SCHEDULE, AND
GRANTING, IN PART, REQUEST FOR WAIVER**

(Issued November 29, 2001)

On October 15, 2001, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) an application pursuant to Iowa Code chapter 476A for a generating facility certificate to construct and operate a 540 MW combined-cycle, natural gas fueled, combustion turbine. The proposed facility is called the Greater Des Moines Energy Center and is located at 3200 S.E. 45th Street, Pleasant Hill, Polk County, Iowa. On November 13, 2001, MidAmerican filed additional information, including a system impact study submitted to the Mid-Continent Area Power Pool (MAPP) associated with MidAmerican's request to interconnect the proposed facility with the transmission grid. MidAmerican held the informational meeting required by 199 IAC 24.7 on August 23, 2001, in Pleasant Hill.

MidAmerican also filed two requests for waivers. First, MidAmerican, pursuant to Iowa Code § 476.15, asked that the Board waive the provisions of Iowa Code chapter 476A and 199 IAC chapter 24. If this request were granted, there would be no additional Board review of MidAmerican's application. Second, if the first waiver

request is denied, MidAmerican asks for a waiver of all rules contained in 199 IAC chapter 24 that are proposed to be superceded by new siting rules being considered in Docket No. RMU-01-7. MidAmerican also asks for a waiver of 199 IAC 24.6(1)"b," which requires that the Board's evidentiary hearing be commenced no earlier than 90 days from the date the Board accepts the application.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a response to the waiver request on October 23, 2001. Consumer Advocate objected to the request for complete waiver of the siting statutes and rules. Consumer Advocate argued, among other things, that a complete analysis of the system reliability study was crucial to determine whether the proposed facility's interconnection with the transmission grid will be detrimental to adequate and reliable service. Consumer Advocate also argued that a waiver was not available because MidAmerican was also going to seek advance ratemaking treatment pursuant to Iowa Code § 476.53(3). Consumer Advocate did not object to a waiver of any rules superceded by proposed rules in Docket No. RMU-01-7.

MidAmerican filed a response to Consumer Advocate on November 9, 2001. MidAmerican disagreed with Consumer Advocate's legal analysis that review of a siting application is a prerequisite for receipt of advance ratemaking principles.

The Board does not need to decide here whether a complete review of a siting application is a necessary prerequisite for receipt of advance ratemaking principles. The Board will deny the request for complete waiver of the siting statutes and rules because the proposed facility is a significant project that could have a major impact

on the transmission system. The study filed by MidAmerican should be fully reviewed in a contested case proceeding where other parties, and the Board, have the opportunity to fully explore the study. The Board notes that as of the date of this order, MAPP has not approved the study submitted by MidAmerican. Prior waiver requests granted by the Board have been for small facilities built by non-rate regulated utilities. See, Corn Belt Power Cooperative and Basin Electric Power Cooperative, "Order Granting Waiver," Docket No. WRU-01-30-917 (July 13, 2001).

The Board will grant MidAmerican's request to waive rules found in current 199 IAC chapter 24 that are superceded by the proposed rules in Docket No. RMU-01-7. The Board will also waive the 90-day period to the extent provided for in the procedural schedule to accommodate MidAmerican's proposed date for beginning construction.

The Board has reviewed MidAmerican's filing and finds that it is in substantial compliance with the Board's filing requirements. While the Board finds there is substantial compliance with the Board's rules, some additional information is required for the Board's review. MidAmerican will be required to file the following additional information within 15 days from the date of this order or as soon as the information becomes available:

1. Any documents from MAPP that approve, disapprove, or comment on the system impact study or the transmission interconnection.
2. MidAmerican witness Stevens discusses MidAmerican's power system impact analysis at page 4 of his direct testimony. MidAmerican shall

provide details of the system impact analysis, other than the study filed with MAPP, including any other studies performed by or for MidAmerican. In addition, testimony at page 5 states the proposed interconnection will improve the local system. MidAmerican shall provide details supporting this conclusion, specifically any system improvements required locally to maintain adequacy and reliability of the existing transmission system.

3. The map included in section 1.8 of the application does not identify existing lines or proposed lines inside and outside the facility. MidAmerican shall provide a general map of the transmission corridor and routing which shows all proposed transmission additions and the existing transmission network in the vicinity. In addition, MidAmerican shall address whether any transmission line franchises will be required for any proposed lines and, if so, the anticipated date of filing.

IT IS THEREFORE ORDERED:

1. The application for a generating certificate filed October 15, 2001, by MidAmerican Energy Company is accepted pursuant to 199 IAC 24.5.

2. The following procedural schedule is established for this proceeding:

a. Consumer Advocate and any intervenors shall file prepared direct testimony, with underlying workpapers and exhibits, on or before January 4, 2002.

b. MidAmerican shall file rebuttal testimony, with underlying workpapers and exhibits, on or before January 25, 2002.

c. The parties shall submit a joint statement of issues on or before January 31, 2002.

d. A hearing in this matter shall commence at 9 a.m. on February 20, 2002, for the purpose of receiving testimony and the cross-examination of all testimony. The hearing shall be held in the Board's hearing room at 350 Maple Street, Des Moines, Iowa 50319-0069. The parties shall appear one-half hour prior to the time of the hearing for the purpose of marking exhibits. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

3. The Executive Secretary of the Utilities Board shall cause written notice of the acceptance of the application and procedural schedule to be served upon the United States Environmental Protection Agency, Federal Aviation Office, Iowa Department of Natural Resources, Natural Resource Commission, Environmental Protection Division of the Iowa Department of Natural Resources, Geological Survey Bureau, Office of Historical Preservation, Office of State Archaeologist, Community Action Agencies Division of the Department of Human Rights, Iowa Department of Transportation, U.S. Army Corps of Engineers, the Polk County Board of Health, the city of Pleasant Hill, and all owners and lessees of record of real property located within 1,000 linear feet of the proposed site as required by Iowa Code § 476A.4(2)"c," as listed in MidAmerican's application.

4. In accordance with 199 IAC 24.6(1)"c," the Executive Secretary of the Utilities Board shall cause a notice of the procedural schedule attached as Appendix A to be published in a newspaper of general circulation in Polk County once each week for two consecutive weeks, with the second publication being no later than 30 days after the date the order is issued.

5. MidAmerican shall file the additional information identified in the order within 15 days of the date of this order, or as soon as the information is available.

6. The request for waiver filed by MidAmerican is granted to the extent discussed in this order and denied in all other respects.

7. In the absence of objection, all underlying workpapers shall become a part of the evidentiary record of these proceedings at the time the related testimony and exhibits are entered into the record.

8. In the absence of objection, all data requests and responses referred to in oral testimony or on cross-examination, which have not been previously filed, shall become a part of the evidentiary record of these proceedings. The party making reference to the data request shall file an original and six copies of the data request and response with the Board at the earliest possible time.

9. In the absence of objection, when the Board has called for further evidence on any issue and the evidence is filed after the close of the hearing, the evidentiary record will be reopened and the evidence will become part of the record five days after the evidence is filed with the Board. All evidence filed pursuant to this

paragraph shall be filed no later than seven days after the close of the hearing in this proceeding.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 29th day of November, 2001.

OFFICIAL NOTICE
BEFORE THE IOWA UTILITIES BOARD
DOCKET NO. GCU-01-1

TO THE CITIZENS OF POLK COUNTY:

In accordance with 199 IAC 24.6(1)"c," notice is hereby given that an application for an electric generating facility certificate has been filed by MidAmerican Energy Company. On November 29, 2001, the Iowa Utilities Board (Board) accepted the application in accordance with 199 IAC 24.5(3).

By order dated November 29, 2001, the Board set February 20, 2002, at 9 a.m. in the Board's hearing room at 350 Maple Street, Des Moines, Iowa 50319-0069, as the time and place for commencement of the hearing in this matter. Persons who have been accorded the status of intervenors have the right to appear at the public hearing. Intervenors will be given the opportunity to cross examine the witnesses of any other party, to present witnesses on their own behalf, and to rebut, refute, or reply to all evidence in opposition to the intervenors' stated position. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

The Board will conduct these proceedings to determine if the application for amendment to generating certificate meets the applicable decisional criteria of

Iowa Code § 476A.6. The proposed facility is located at 3200 S.E. 45th Street, Pleasant Hill, Iowa, at the site of the former Des Moines Power Station.

Requirements for intervention in the proceeding are contained in 199 IAC 24.6(3)"b" and 24.9(2).

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 29th day of November, 2001.